

REMARKS

Claims 1 to 26 are pending. Claims 1, 13, 25 and 26 are independent. Favorable reconsideration and further examination are respectfully requested.

In the Office Action, the independent claims were rejected over U.S. Patent No. 5,526,362 (Thompson) and the dependent claims were rejected over Thompson in view of U.S. Patent No. 5,640,388 (Woodhead) and/or U.S. Patent No. 5,533,021 (Branstad). As shown above, Applicants have amended the claims to define the invention with greater clarity. In view of these clarifications, withdrawal of the art rejections is respectfully requested.

Amended independent claim 1 defines a method of transmitting data packets received from a source via a non-constant delay medium, where the non-constant delay medium introduces jitter into the data packets. The method includes storing the data packets in a buffer. The data packets are part of a single transport stream that by definition includes first and second data packets that contain time stamps and plural data packets between the first and second data packets that do not contain time stamps. A play-out schedule is determined for the data packets based on the time stamps and an amount of data in the data packets. The play-out schedule is determined without altering the time stamps. The data packets are transmitted from the buffer in accordance with the play-out schedule such that the plural data packets are transmitted at a different rate than the first and second data packets. This is done in order to reduce the jitter. The method also includes implementing a clock synchronization process that uses the time stamps to synchronize play-out of the data packets to a clock of the source.

The applied art is not understood to disclose or to suggest the foregoing features of claim

1. In particular, Thompson describes a method, which is performed at a receiver, for controlling receipt of asynchronous data transmitted with a time stamp (col. 2, lines 1 to 5). Specifically, Thompson determines, for received data, a difference between current and prior time stamps in the received data and a difference between current and prior locally-generated time stamps. These differences are then used to determine the rate at which data is output from FIFO 20 (Fig. 2). As explained in column 5 of Thompson, failure to receive a time stamp in the data results in an error which can cause the FIFO to overfill or empty (col. 5, lines 34 to 56). Thompson thus assumes that all of its packets include time stamps; otherwise, an error results. Accordingly, Thompson does not disclose or suggest a single transport stream that by definition includes first and second data packets that contain time stamps and plural data packets between the first and second data packets that do not contain time stamps.

Furthermore, as correctly noted in the Office Action, Thompson does not disclose or suggest transmitting some packets at a higher rate than others (page 6 of the Office Action). Branstad was cited to make up for this deficiency of Thompson (and Woodhead). In this regard, Branstad describes a system of transmitting data packets over a communications network. Branstad segments data into blocks, detects PCR time stamps in certain packets, transmits those packets at times corresponding to the time stamps, and transmits non-PCR packets at a slightly higher rate than that predicted for a source. While Branstad does transmit non-PCR packets at a higher rate, it does not do so in order to reduce jitter introduced by a non-constant delay medium. That is, Branstad is at a point of transmission to a communication network, whereas the

invention of claim 1 is at a point of receipt on a network. To further accentuate this point, Applicants have specified that the method includes implementing a clock synchronization process that uses the time stamps to synchronize play-out of the data packets to a source clock.

Thus, even if Thompson and Branstad were combined in the manner suggested in the Office Action, the resulting hypothetical combination would still fail to disclose or to suggest the foregoing features of claim 1. That notwithstanding, Applicants submit that the combination of Thompson and Branstad is improper as a matter of law for at least the following reason.

It is elemental that a prima facie case of obviousness based on a combination of references requires that there be some suggestion in the references themselves, or in the knowledge generally available to those in the art, to combine the references in the manner suggested. Here, as noted above, Thompson is meant for use with only data packets that have time stamps. As noted, if some data packets do not have time stamps, Thompson considers this an error and performs other processing. By contrast, Branstad is meant for use with some data that does not contain time stamps. As such, Applicants submit that there is no motivation whatsoever in the references or in the knowledge available to those in the art to combine Thompson and Branstad in the manner suggested in the Office Action.

Finally, Applicants note that Woodhead describes a system that alters time stamps to remove jitter. By contrast, the invention of claim 1 does not alter time stamps for a single transport stream in order to reduce jitter (time stamps are only altered if there is a collision resulting from two separate transport streams). Thus, the invention of claim 1 is also believed to patentably define over a combination of Thompson, Branstad and Wood.

For at least the foregoing reasons, claim 1 is believed to be allowable. The remaining independent claims roughly track claim 1 and are also believed to be allowable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

Finally, the undersigned notes that the attorney docket number for this case has changed from 12173-002001 to 18515-002001. The Examiner is respectfully requested to use 18515-002001 in all correspondence referencing this application.

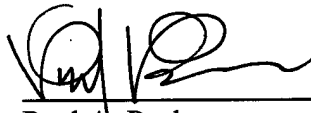
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Respectfully submitted,

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